

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

LUMUMBA EARLE, individually and
As the Personal Representative of the
ESTATE OF ANNIE EARLE, deceased,

Plaintiff,

v.

Civil Action No. 3:14-29536

CITY OF HUNTINGTON, d/b/a CITY OF
HUNTINGTON POLICE DEPARTMENT,
a municipal corporation; JOSH NIELD,
individually and in his official capacity;
ST. MARY'S MEDICAL CENTER, INC., d/b/a
ST. MARY'S MEDICAL CENTER;

Defendants.

**MOTION TO COMPEL DISCOVERY RESPONSES
FROM DEFENDANT CITY OF HUNTINGTON**

Now comes the plaintiff, Lumumba Earle, individually and as the Personal Representative of the Estate of Annie Earle, deceased, by and through counsel, Richard W. Weston, and moves the Court for an Order compelling defendant City of Huntington to respond to discovery requests. In support thereof, the Plaintiff states as follows:

1. Plaintiff served "PLAINTIFF LUMUMBA EARLE'S FIRST SET OF COMBINED DISCOVERY REQUESTS TO DEFENDANT HUNTINGTON POLICE DEPARTMENT," on March 13, 2015.
2. On March 24, 2015, Plaintiff's counsel granted defendant a one-week extension to respond to the discovery requests, making the responses due on or before April 23, 2015.
3. To date discovery responses have not been received.

4. Undersigned Counsel has contacted Defendant City of Huntington's counsel several times regarding the past due discovery and has not received a response.

Therefore, the Plaintiff respectfully moves this honorable Court to issue an Order compelling the Defendant to respond to the discovery requests and any other relief this Court deems necessary.

LUMUMBA EARLE,
An Individual,

By Counsel: /s/Richard W. Weston
Richard W. Weston (WVSB # 9734)
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CERTIFICATE OF SERVICE

I, Richard W. Weston, do hereby certify that on this 2nd day of June 2015, I electronically filed the foregoing "**MOTION TO COMPEL DISCOVERY**
RESPONSES FROM DEFENDANT CITY OF HUNTINGTON," with the court using the CM/ECF system which will send notification of such filing to the below counsel of record:

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/s/ Richard W. Weston
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